GOVERNMENT OF INDIA
LAW , JUSTICE AND COMPANY AFFAIRS
LOK SABHA

UNSTARRED QUESTION NO:255
ANSWERED ON:22.02.2001
ADJOURNMENTS OF CASES
CHANDRA VIJAY SINGH

Will the Minister of LAW , JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) whether there are about twenty five million cases pending in Law Courts in India;

(b) if so, whether the Government propose to plan a provision in rules limiting the number of adjournments granted and judgements to be reserved only for short durations;

(c) if so, the details of the proposal; and

(d) if not, the reasons therefor?

Answer

MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS AND SHIPPING (SHRI ARUN JAITLEY)

(a) to (d) A statement is enclosed.

STATEMENT IN REPLY TO PARTS (A) TO (D) OF LOK SABHA UNSTARRED QUESTION NO. 255 DATED 22.2.2001

(a) There are about 2.34 crore cases pending in various law courts in India.

(b) to (d): Frequent adjournments and delay in delivering of judgements indeed a cause for concern both for the Government and the Judiciary. Justice Malimath Committee also knownas the `Arrears Committee` had also pointed out that granting of unnecessary adjournments is one of the factors which contribute to accumulation of arrears. Pursuant to these recommendations, the High Courts of Punjab and Haryana, Orissa,Gujarat,AndhraPradesh, Himachal Pradesh, Madras, Patna, Gauhati,Rajasthan, Sikkim, Allahabad and Bombay have informed that they have taken necessary steps to discourage granting of adjournments by courts.

The Civil Procedure Code (Amendment) Act2000, inter alia, stipulates that adjournments shall not be granted more than three times to a party during the hearing of the suit. The relevant amendments are awaiting government notification.

The `Arrears Committee` also recommended that the reserved judgement by High Courts should ordinarily be pronounced within a period of six weeks from the date of completion of the arguments. The recommendations have been commended to all High Courts for necessary action.

As a general rule, judgements are to be pronounced within definite time-frame after a case has been heard. The genereal rule proposed is that a judgement is to be pronounced at once and where it is not practicable to do so, the Court shall make an endeavour to pronounce judgement within thirty days from the date on which hearing of the case was concluded. Where it is not practicable for the Court to pronounce judgement within thirty days because of exceptional and extraordinary circumstances of the case, the Court shall fix a day for the pronouncement of judgement which shall not ordinarily be beyond sixty days from the date on which the case was heard.